IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 18515 of 2007(D)

PETITIONER:
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1. A.R.UNNIKRISHNAN, MANAGER,
SHANMUGHA VILASAM HIGHER SECONDARY SCHOOL
(SVHSS) CLAPPANA, KOLLAM.

2. K.SUSEELAN, RETURNING OFFICER,
ELECTION OF SVHSS MANAGING COMMITTEE,
RESIDING AT ADAKKAKADAVIL, PADA SOUTH,
KARUNAGAPPALLY.

3. K.DHARMA DAS,
SECRETARY, SNDP SAKHA NO.181 RESIDING AT
BLALIL KISHAKKATHIL, CLAPPANA NORTH.

4. K.RAJAN, ADMINISTRATOR,
SNDP SAKHA NO.182, PUTHANMANNU,
CLAPPANA NORTH.

5. S.JAYACHANDRAN,
SECREARY SNDP SAKHA NO.443,
ILLIKULATHU, KLAPPANA SOUTH P.O.

BY ADV. SRI.A.N.RAJAN BABU
SRI.K.GOPALAKRISHNAN
SMT.K.SUNITHA VINOD

RESPONDENTS:
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1. STATE OF KERALA., REPRESENTED BY SECRETARY,
HOME DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

3. DEPUTY SUPERINTENDENT OF POLICE,
KARUNAGAPPALLY.

4. CIRCLE INSPECTOR OF POLICE,
KARUNAGAPPALLY.

5. SUB INSPECTOR OF POLICE, OCHIRA.

6. K.SIDHATHAN,
PANDAKASALATHARA, CLAPPANA,
KARUNAGAPPALLY.

BY ADV. SRI.P.B.SURESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.18515 OF 2007

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1: COPY OF THE BYE-LAW OF THE SCHOOL

EXHIBIT P2: COPY OF ORDER NO.B-4 11863/03/K-DIS DT.30.12.03 FOR A PERIOD OF 3 YEARS.

EXHIBIT P3: COPY OF DRAFT RESOLUTION.

EXHIBIT P4: COPY OF RESOLUTION DT. 1.6.05 WAS SEEN SIGNED BY SOME OF THE MEMBERS OF THE COMMITTEE.

EXHIBIT P5: COPY OF JUDGMENT IN WP.NO.33871/2005 DT.20.12.06.

EXHIBIT P6: COPY OF JUDGMENT IN O.S.NO.354/2005 OF MUNSIFF COURT KARUNAGAPPALLY.

EXHIBIT P7: COPY OF NOTICE OF GENERAL BODY AND THE ELECTION NOTIFICATION.

EXHIBIT P8: COPY OF REPRESENTATION SUBMITTED TO RESPONDENTS 1 TO 4.

EXHIBIT P9: COPY OF REPRESENTATION DT 11.6.07 BEFORE 2ND RESPONDENT FOR POLICE PROTECTION.

EXHIBIT P10: COPY OF REPRESENTATION DT.10.6.07 SUBMITTED BY PETITOINERS 2 TO 5 BEFORE RESPONDENTS 2 TO 4.

/TRUE COPY/

PA TO JUDGE

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO. 18515 OF 2007

Dated this the 20th day of June, 2007

JUDGMENT

Raman, J.

First petitioner is the manager of the SVHSS, Clappana. He is also stated to be the convenor of the Managing Committee of the School. The second petitioner is the Returning Officer for conducting an election to the Managing Committee of the said School. Petitioners 3 to 5 are the office bearers of the Sakhas of the S.N.D.P Nos. 181,182 and 443. It is stated that the term of the Managing Committee expired on 11.3.2006 and an election is scheduled to be held for electing the new office bearers on 24.6.2007. The petitioners apprehend that the smooth conduct of the election will be obstructed at the instance of the 6th respondent and their men. An interim protection was afforded by this court to the life of the petitioners as per order dated 15.6.2007 and notice by special messenger was issued to the 6th respondent. Service is complete, but the respondent has not entered appearance. We heard the learned Government Pleader.

In the facts and circumstances of the case, there will be a direction to respondents 4 and 5 to give adequate protection to the petitioners for the smooth conducting of the election to the Managing Committee scheduled to be conducted on 24.6.2007 at SVHSS, Clappana.

Writ Petition is disposed of as above.

P.R.RAMAN, JUDGE

K.HEMA, JUDGE

vgs.